

JUANITA M. LEWIS
Claimant

CARTER'S THRIFTWAY, INC.
Respondent

AMERICAN INTERNATIONAL SOUTH
Insurance Carrier

The claimant was employed as a cashier for the respondent. On July 5, 2000, the claimant returned from lunch and resumed her job duties of checking out groceries for customers. The claimant testified that she began to feel light headed, hot and faint. The claimant advised her supervisor that she felt faint and was told to go sit by the dog food. The claimant was sitting or leaning against the stacks of dog food and had asked a co-

employee to get her a cold paper towel when she fainted and fell to the floor. The record of the emergency medical technicians that were called to the scene notes that the temperature in the store was 72 degrees and the outside temperature was 98 degrees.

For a claim to be compensable, claimant must establish personal injury by accident arising out of and in the course of employment. K.S.A. 44-501(a). For a claim to arise "out of" employment, its cause or origin must develop out of the nature, conditions, obligations and incidents of employment. *Kindel v. Ferco Rental, Inc.*, 258 Kan. 272, 899 P.2d 1058 (1995); *Hormann v. New Hampshire Ins. Co.*, 236 Kan. 190, 197, 689 P.2d 837 (1984). The facts presented do not lend themselves to such a finding.

The claimant argues that it was 105 degrees outside the store and because the cash registers in a typical store are located near the front doors that area is subjected to the outside temperature. The record does not contain any mention of where the cash registers were located, but more significantly the emergency medical technicians contemporaneous report specifically notes that the temperature in the store was 72 degrees.

It is not always necessary for an injury to be caused by trauma or some form of physical force before it can be found compensable. See *Demars v. Rickel Manufacturing Corporation*, 223 Kan. 374, 573 P.2d 1036 (1978). However, when an injury is attributable to a personal condition of the employee and no other factors contribute to the injury, the injury is not compensable. *Bennett v. Wichita Fence Co.*, 16 Kan. App.2d 458, 824 P.2d 1001, rev. denied 250 Kan. 804 (1992); *Martin v. U.S.D. No. 233*, 5 Kan. App.2d 298, 615 P.2d 168 (1980).

The Board finds that the claimant's employment did not create an increased risk or special hazard. Based upon the present record, claimant's request for benefits should be denied.

AWARD

WHEREFORE, it is the finding, decision and order of the Board that the Order of Administrative Law Judge Pamela J. Fuller dated February 23, 2001, should be, and is hereby, reversed.

IT IS SO ORDERED.

Dated this _____ day of April 2001.

BOARD MEMBER

pc: Randy S. Stalcup, Claimant's Attorney, Wichita, Kansas
Eric T. Lanham, Respondent's Attorney, Kansas City, Kansas
Pamela J. Fuller, Administrative Law Judge
Philip S. Harness, Workers Compensation Director